

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

10 D. BRIAN F. BARTOLEME,

11 No. C 07-4889 JL

12 Plaintiff,

13 v.

14 !,

15 Defendant.

16 \_\_\_\_\_ /  
17 **REFERRAL FOR REASSIGNMENT**

18 The Court received Plaintiffs application to file his complaint without prepayment of  
19 the filing fee, in forma pauperis (“IFP”). Plaintiff satisfies the indigence requirement of 28  
20 U.S.C. §1915. However, the complaint is virtually impossible to decipher. The Court would  
21 of necessity find it factually frivolous and therefore would not grant the application. A  
22 magistrate judge does not have jurisdiction to deny an IFP application, absent the consent  
23 of the Plaintiff. *Tripati v Rison*, 847 F.2d 548 (9th Cir. 1988) . Plaintiff has not consented to  
24 this Court’s jurisdiction. Accordingly, this case is hereby referred for reassignment.

25 IT IS SO ORDERED.

26 DATED: November 19, 2007

27   
28

James Larson  
Chief Magistrate Judge